

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

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|--|---|----------------|
| Ronald Baird | : | |
| -vs- | : | |
| Commonwealth Edison Company | : | |
| | : | 14-0402 |
| Complaint as to billing/charges | : | |
| in Glen Ellyn, Illinois. | : | |

RESPONDENT’S REPLY BRIEF ON EXCEPTIONS

Commonwealth Edison Company (“ComEd” or “Respondent”), by its counsel, Rebecca A. Graham, respectfully submits this Reply Brief on Exceptions (“Reply”) in response to the Brief on Exceptions filed by the Complainant, Ronald R. Baird (“Brief”), to the Administrative Law Judge’s proposed order issued on May 1, 2015 (“Proposed Order”).

INTRODUCTION

On May 1, 2015, the Proposed Order was issued with an attached letter from the Chief Clerk of the Illinois Commerce Commission (“Commission”) advising the parties that pursuant to 83 Ill. Adm. Code 200.830(b), “substitute language is required to be included with exceptions when exception is taken as to a statement of fact in the proposed order. Briefs on exceptions not including such language **shall** be stricken” (emphasis added). This language is standard for all proposed orders.

The Brief contains no substitute language as required by 83 Ill. Adm. Code 200.830(b). Accordingly, Respondent respectfully requests that the Commission strike the Brief as required by law.

ComEd fully supports the Proposed Order. The Proposed Order is correct that Complainant failed to meet his burden of proof. (Proposed Order at 4). Further, the Proposed Order correctly summarizes the evidence introduced at the evidentiary hearing that took place on September 11, 2014 (“Hearing”) and correctly concludes that the meter at 321 Roosevelt Road, Glen Ellyn, IL

(the “Property”) tested within the guidelines established by the Commission for meter accuracy and that Complainant’s billing was based on regular, actual readings of the meter. (Proposed Order at 4).

ARGUMENT

Complainant’s Brief should be stricken for failing to adhere to the requirements set forth in 83 Ill. Adm. Code 200.830(b). Even if Complainant were to provide substitute language as required by 200.830(b), Complainant’s Brief does nothing to contradict ComEd’s uncontroverted evidence that Complainant was properly billed for electricity used at the Property and that the meters at the Property were functioning properly. (Tr. at 39, 64). Rather, the Brief merely reasserts the allegations in the Complaint and engages in baseless and irrelevant attacks on ComEd.

Complainant’s Brief has no basis in law or the evidence adduced at the Hearing. Complainant ignores the uncontroverted evidence, which is summarized as follows: (1): ComEd took actual readings of the meter at the Property on 8/12/13, 9/11/13, 10/10/13, 11/8/13, 1/15/14, 2/14/14, 3/15/14, 4/15/14, 5/13/14, 6/13/14, 7/15/14, and 8/13/14 (Tr. at 37); (2) nothing was improper or inaccurate about the billing on Complainant’s account (Tr. at 39); (3) the meter was tested twice, including during a referee test conducted in the presence of Complainant’s representative and a representative from the Commission on April 15, 2014 (Tr. at 61-64); (4) the meter tested within the limits established by the Commission both times that it was tested (Tr. at 62); (5) the meter was secured in a locked yellow basket from the time it was taken from the Property to the time it was tested (Tr. at 63); (6) a meter testing less than 1 amp – as Complainant’s affidavit asserted – would have no effect on the meter’s measure of the watts used during the 24-hour billing cycle upon which ComEd’s billing is based (Tr. at 64-65). The Proposed Order properly concludes – based on the forgoing evidence and other evidence presented by ComEd as

set forth in the Proposed Order – that Complainant has not met his burden of proof and the Complaint should thus be denied.

Finally, it should be noted that Complainant's new allegations regarding bad faith on the part of ComEd are baseless and irrelevant to the Complaint. The Complaint does not consist of any allegations related to ComEd's collection practices. Additionally, ComEd has no legal obligation to settle cases, particularly when the allegations against it are completely meritless.

CONCLUSION

Wherefore, Respondent, Commonwealth Edison Company, respectfully requests that: (1) the Proposed Order issued on May 1, 2015 be adopted by the Illinois Commerce Commission without any changes, (2) Complainant's Brief on Exceptions be stricken, and (3) the Complaint filed by Ronald R. Baird on May 30, 2014 be dismissed with prejudice.

Respectfully submitted,
Commonwealth Edison Company

By: /s/ Rebecca A. Graham

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CERTIFICATE OF SERVICE

I, Rebecca A. Graham, an attorney, certify that a copy of the foregoing RESPONDENT'S
REPLY BRIEF ON EXCEPTIONS was served on the following parties by U.S. Mail and/or
electronic transmission on June 2, 2015.

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